

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MURPHY A. THERIOT AND OTHER OF
THE CLASS,

Plaintiff,

v.

PIERCE COUNTY GOVERNMENT
OFFICERS, DISTRICT ATTORNEY
OFFICE, CLERK OF COURT OFFICE,
and OTHER OFFICERS WITHIN,

Defendants.

NO. C10-5696 RBL/KLS

ORDER DENYING MOTION FOR
RECONSIDERATION

Before the court is Plaintiff's motion for reconsideration of the court's Order (ECF No. 12) denying Plaintiff's motion for the appointment of counsel. ECF No. 13. Having carefully reviewed the motion, and balance of the record, the court finds that the motion should be denied.

DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the "absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court's attention earlier with reasonable diligence." Local Rule CR 7(h)(1). Plaintiff has identified no error in the court's Order, nor presented any new facts or legal authority that suggest reconsideration is appropriate.

Plaintiff complains that he has been asked by the court to file an amended petition but he "has no clue as to how to proceed." ECF No. 13. He complains that he is being beat over the

head with rules and regulations and that the court is not treating his filings as that of a *pro se* plaintiff. *Id.*

The court advised Plaintiff of the deficiencies in his complaint and granted him leave to file an amended complaint. ECF No. 11. If individuals have violated Plaintiff's rights by maintaining criminal records of Plaintiff that are erroneous, he should be able to set forth in an amended complaint in plain language, the names of the individuals who hurt him, how they hurt him and when they hurt him. The appointment of counsel is not necessary for Plaintiff to set out a plain and short statement of his claims. Plaintiff's inability to obtain counsel and lack of legal skills are not exceptional circumstances which warrant the appointment of counsel. While Plaintiff may not have vast resources or legal training, he meets the threshold for a *pro se* litigant. Concerns regarding investigation and discovery, an absence of legal training and limited access to legal materials are not exceptional factors, but are the type of difficulties encountered by many *pro se* litigants.

Accordingly, it is **ORDERED:**

(1) Plaintiff's motion for reconsideration (ECF No. 13) is **DENIED**.

(2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.

DATED this 12th day of January, 2011.



Karen L. Strombom
United States Magistrate Judge